

1-26-84  
2965H

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3343

AN ORDINANCE relating to driving or being in physical control of a vehicle while under the influence of intoxicants and/or drugs; chemical tests for blood alcohol; implied consent and penalties; adopting portions of the Model Traffic Ordinance by reference; and adding new sections to Ordinance 2922 as amended by Ordinance 3093, and to chapter 11.80 of the Bellevue City Code.

WHEREAS, the City of Bellevue has, by Ordinance 2922, adopted the "Washington Model Traffic Ordinance," chapter 46.90 RCW, except for certain deleted provisions; and

WHEREAS, by Ordinance 3093 the City adopted the MTO provisions dealing with driving while under the influence, by amending Ordinance 2922 to omit those provisions from the list of deletions; and

WHEREAS, a number of the defendants charged by the City with driving while under the influence have been challenging the adoption of those portions of the MTO by that method, and the trials in their cases are being delayed pending review by the appellate courts; and

WHEREAS, the backlog of cases will continue to grow until there is an explicit, affirmative adoption of the provisions in question; now therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. RCW 46.90.427 is hereby adopted by reference as though set forth in full. All parts of RCW 46.90.427 have been adopted previously. This adoption is for the purpose of clarification or correction and does not imply that any provision of RCW 46.90.427 is not heretofore effective.

Section 2. Ordinance No. 2922, as amended by Ordinance 3093, is hereby amended to include the following Section 3.5; and the following Section .025 is hereby added to chapter 11.80 BCC:

Section 3.5 (BCC 11.80.025) Without in any way limiting the scope of the preceding section, the following section of

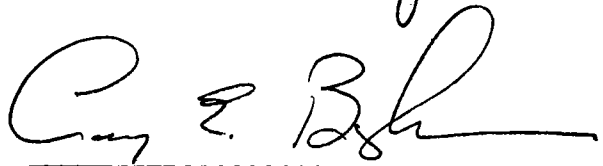
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the Model Traffic Ordinance is specifically adopted by  
reference as if set forth in full herein:  
RCW 46.90.427

Section 3. Because of the number of criminal trials being postponed pending judicial clarification of the validity of the City's prior adoption of RCW 46.90.427, an emergency exists and is hereby declared to exist rendering this ordinance necessary for immediate preservation of the public peace, health and safety, and it shall be effective upon adoption by a majority plus one of the whole membership of the City Council.

PASSED by a majority plus one of the whole membership of the City Council this 6<sup>th</sup> day of February 1984, and signed in authentication of its passage this 6<sup>th</sup> day of February 1984.

(SEAL)

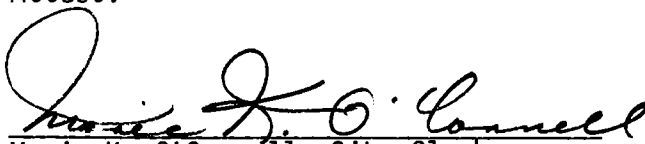
  
Cary E. Bozeman, Mayor

Approved as to form:

Linda M. Youngs, City Attorney

  
Scott McKee, Assistant City Attorney

Attest:

  
Marie K. O'Connell, City Clerk

Published February 11, 1984

Sec. 2. Section 71, chapter 54, Laws of 1975 1st ex. sess. as last amended by section 4, chapter 65, Laws of 1980 and RCW 46.90.427 are each amended to read as follows:

The following sections of the Revised Code of Washington as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.300, 46.61.305, 46.61.310, 46.61.315, 46.61.340, 46.61.345, 46.61.350, 46.61.355, 46.61.365, 46.61.370, 46.61.375, 46.61.385, 46.61.400, 46.61.415, 46.61.425, 46.61.427, 46.61.428, 46.61.435, 46.61.440, 46.61.445, 46.61.450, 46.61.455, 46.61.460, 46.61.465, 46.61.470, 46.61.475, 46.61.500, 46.61.502, 46.61.504, 46.61.506, 46.61.515, 46.61.520, 46.61.525, 46.61.530, 46.61.535, 46.61.540, 46.61.560, 46.61.565, 46.61.570, and 46.61.575.

CERTIFICATE

I, the undersigned, SHARON L. MATTIOLI, DEPUTY CITY CLERK of the City of Bellevue, Washington, certify that this is a true and correct copy of RCW 46.90.427 as it read on effective date of Ord. 3343 (2/26/87)  
Subscribed and sealed this 4th day of March, 19 94  
Sharon L. Mattioli  
Deputy City Clerk